#35

12/8/00

bm

CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

In re prior PATENT APPLICATION of
Inventor(s): ESCH et al.

Group Art Unit: 1754

Examiner: S. Hendrickson

Appln. No.   08 | 870,591
Series Code | Serial No.

Filed: June 6, 1997

Atty. Dkt.   PM 238397 | None
              Parent M# | Client Ref

Hon. Commissioner for Patents
Box CPA
Washington, DC 20231

Date: November 30, 2000
**DO NOT USE THIS FORM (EXCEPT FOR DESIGNS)
IF PARENT WAS A CPA FILED ON/AFTER 5/29/00;
USE RCE FORM PAT-252**

This is a request for a   ☒ continuation   ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of the above prior application number, entitled

PRECIPITATED SILICAS

NOTES

FILING QUALIFICATIONS: The prior application identified above cannot be a CPA filed on/after 5/29/00 but must be a nonprovisional application filed before 5/29/00 that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371, i.e., having a §102(e) date granted and is neither abandoned nor its proceedings terminated and its issue fee has not been paid (unless item 6A below is X'd).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.	☐ Enter the unentered amendment previously filed on _____ in the prior nonprovisional application. (Include claim fees on page 2).
2.	☒ A preliminary amendment is enclosed. (See page 3 for additional claims fees).
3.	This application is filed by <u>fewer</u> than all the inventors named in the prior application, 37 CFR 1.53(d)(4). a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application: 1. _____ 2. _____ 3. _____ 4. _____ b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.	☐ A new power of attorney is enclosed.
5.	Information Disclosure Statement is enclosed including: ☐ IDS Letter ☐ Citing Appln. ☐ Foreign Search Report/OA ☐ Cited Documents

12/01/2000 SHAH81 00000085 08870591

01 FC:131   710.00 OP

6. ☐ PRELIMINARY AMENDMENT to be entered before fee calculation (Do not make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee (on page 2) per MPEP § § 506 and 607; do not cancel all claims.):

6A. ☐ The issue fee has been paid in the parent, but this CPA Request is based on a Rule 313(c)(3) petition and Rule 53(d)(1)(ii)(A).

6B ☐ See **NONPUBLICATION REQUEST** under Rule 213(a) attached (PAT-258)

7. ☐ **Please suspend action** under Rule 103(b) for a period of _____ Months (limited to 3 months maximum)

FILING FEE
THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS
EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 1 & 6 ABOVE

8. Small Entity Status ⌀ ☒ is Not claimed   ☐ is claimed (**pre**-filing confirmation required)

		Large/Small Entity			Fee Code
9. Basic filing fee -	☒	Utility Appln. - - $710/$355	$	710	(131/231)
	☐	Design Appln. - - $320/$160	$	0	(132/232)
	☐	Plant Appln. - - $490/$245	$	0	(133/233)
	☐	Reissue Appln. - - $710/$355	$	0	(134/234)

10. (reserved)

11. Total Effective Claims	2	minus 20 = *	0	x	$18/$9 =	+ 0	(103/203)
12. Independent Claim	1	minus 3 = *	0	x	$80/$40 =	+ 0	(102/202)

*If answer is zero or less, enter "0"

13. If any proper (ignore improper) multiple dependent claim is present,   ☐add $270/$135   + 0   (104/204)

14. Original Due Date: _____   ☒ None

15. **Petition is hereby made** to extend the original due   (1mo)- $110/$55= $_____   (115/215)
    date to cover the date this CPA is filed for which the   (2mos)- $390/$195= $_____ $ 0   (116/216)
    requisite fee is attached   (3mos)- $890/$445= $_____   (117/217)

16. Enter any previous extension fee paid since above original
    due date (item 14) and subtract   - $ 0

17. **EXTENSION FEE ATTACHED** $ 0

18. **TOTAL FILING FEE =** $ 710

19. If box 7 above is X'd,- add required fee ($130)   + 0   (122)

20. **FEE ATTACHED =** $ 710
    (carry forward to line 27)

(FOR AMENDMENT FEES RE ITEM 2 ABOVE SEE NEXT PAGE)

21. ☐ ATTACHED:

22. **ADDITIONAL FEE CALCULATION FOR PRELIMINARY AMENDMENT TO BE ENTERED (PER ITEM 2 ABOVE)**

	Claims remaining after amendment		Highest number previously paid for		Present Extra			Additional Fee		Fee Code
					Large/Small Entity					
23. Total Effective Claims	4	minus**	20	= *	0	x $18/$9	=	$ 0		(103/203)
24. Independent Claims	1	minus***	3	= *	0	x $80/$40	=	+ 0		(102/202)
25. If amendment enters proper multiple dependent claim(s) into this application for the first time, - ☐ add $270/$135 (per application)								+ 0		(104/204)
26.						ADDITIONAL FEE		$ 0		
27.						plus FEE from item 20 on page 3		+ 0		
28.						**TOTAL FEE ATTACHED**		$ 710		

29. *If the entry in the first space is less than entry in the middle space, the "Present Extra" result is "0".

30. **If the "Highest number previously paid for" (see item 11 above) is less than 20, write "20" in this space.

31. ***If the "Highest number previously paid for" (see item 12 above) is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975

Our Order No.	21123	238397
	C#	M#

32. **CHARGE STATEMENT**: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached. **This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

Pillsbury Madison & Sutro LLP
Intellectual Property Group

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Atty./Sec. ASH/JRH

By Atty: Ann S. Hobbs   Reg. No. 36830

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NOTE: No. 1: File this Request in duplicate with PTO receipt (PAT-103A) & attachments.
NOTE: No. 2: Is extension necessary for copendency? **DOUBLE CHECK** Item 14 above.